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REPORT OF THE SECRETARY-GENERAL TO THE SECURITY COUNCIL ON THE PROTECTION OF CIVILIANS IN ARMED CONFLICT

I. INTRODUCTION

1. On 12 February 1999 the Security Council held an open meeting on the matter of the protection of civilians in armed conflict. The Council noted with concern that civilians continued to be targeted in instances of armed conflict, in flagrant violation of international humanitarian and human rights law (S/PRST/1999/6). The Council requested that I submit a report with recommendations on how it could act to improve both the physical and legal protection of civilians in situations of armed conflict. I hereby submit the present report to the Security Council in response to that request.

2. Despite the adoption of the various conventions on international humanitarian and human rights law over the past 50 years, hardly a day goes by where we are not presented with evidence of the intimidation, brutalization, torture and killing of helpless civilians in situations of armed conflict. Whether it is mutilations in Sierra Leone, genocide in Rwanda, ethnic cleansing in the Balkans or disappearances in Latin America, the parties to conflicts have acted with deliberate indifference to those conventions. Rebel factions, opposition fighters and Government forces continue to target innocent civilians with alarming frequency.

3. International humanitarian and human rights law set out the rights of civilians and the obligations of combatants during time of conflict. Yet, belligerents throughout the world refuse to respect these statutes, relying instead on terror as a means of control over populations. Terrible hardships are borne by those who are targeted and tremendous stresses are placed on those who attempt to cope with each crisis.

4. On 12 August 1999, on the fiftieth anniversary of the signature of the Geneva Conventions, I signed, with others, a solemn appeal to all peoples, nations and Governments to reject the idea that war is inevitable and to work tirelessly to eradicate its underlying causes; to demand of all those involved in armed conflicts that they respect the essential humanitarian principles and the rules of international law; to spare civilians the agony of war; and to foster relations between individuals, peoples and nations on the basis of respect for human dignity, compassion and solidarity.



5. This report offers clear recommendations on what must be done to protect civilians, including measures that the Security Council can adopt within its sphere of responsibility. The report seeks to encourage decisive Council action to address this critical issue and to promote a "climate of compliance". How the Council responds to this challenge will be of crucial importance.

II. THREATS AND VIOLENCE AGAINST CIVILIANS IN ARMED CONFLICT

6. International humanitarian law sets standards for parties to an armed conflict on the treatment of civilians and other protected persons. Virtually all Member States have ratified the Geneva Conventions of 1949,¹ with a majority having signed or ratified the 1977 Protocols.² There are also legal norms in international human rights law from which there can be no derogation or suspension in time of public emergency.

7. However, the failure of parties to armed conflict to comply with the law on the one hand, and the lack of effective enforcement mechanisms on the other, have led to a situation in which civilians suffer disproportionately, and which the international community appears powerless to prevent.

A. Attacks against civilians

8. In many of today's armed conflicts, civilian casualties and the destruction of civilian infrastructure are not simply byproducts of war, but the consequence of the deliberate targeting of non-combatants. The violence is frequently perpetrated by non-state actors, including irregular forces and privately financed militias. In many conflicts, belligerents target civilians in order to expel or eradicate segments of the population, or for the purpose of hastening military surrender.

9. One feature of internal conflicts today is that the dividing line between civilians and combatants is frequently blurred. Combatants often live or seek shelter in villages, and sometimes use innocent civilians, even children, as human shields. In some cases, communities provide logistic support to armed groups, either voluntarily or under compulsion, and become targeted as a consequence.

10. In some cases, civilians have been systematically tortured and killed. During the 1994 genocide in Rwanda, entire families were executed in their homes

¹ To date, 188 countries have ratified the Geneva Conventions.

² Protocol I additional to the four Geneva Conventions of 1949 extends the definition of "international armed conflicts" to armed conflicts in which people are fighting against colonial domination, alien occupation and against racist regimes in the exercise of their right to self-determination. Protocol II additional to the Geneva Conventions develops and supplements article 3 common to the four Geneva Conventions concerning armed conflicts "not of an international character" occurring in the territory of one of the "High Contracting Parties".

and entire villages brutalized in an orchestrated campaign of mass extermination that claimed more than 500,000 lives. In Sierra Leone, since 1997, more than 5,000 civilians have suffered mutilations. In Burundi, over a quarter of a million people have been killed and hundreds of thousands repeatedly displaced.

B. Forced displacement

11. Today, there are over 30 million displaced people,³ half of them children. Often exposed to systematic atrocities and without adequate physical protection, they are forced to flee, leaving behind their possessions, their homes and family members. Since this report was commissioned, large segments of the population of Kosovo in the Federal Republic of Yugoslavia were displaced, as well as hundreds of thousands of Angolans affected by the resumption of civil war there, to name just two places.

12. Forced displacement takes place both across and within national boundaries. People forced to leave their country of nationality or permanent residence should enjoy the protection of international refugee law, yet many do not. Internally displaced persons are in principle covered by the laws of their own country as well as by international humanitarian law applicable to victims of non-governmental conflicts and international human rights law.⁴ Nevertheless, guarantees found in international human rights and humanitarian law are often disregarded by the country of origin or by the Government of the receiving State. Non-state actors are often unwilling or unable to meet the protection needs of displaced persons and refugees. This has led to many instances of containment and refoulement of refugees. In other cases, national authorities have been unwilling to acknowledge the existence of internally displaced persons and have obstructed international efforts to assist and protect them.

13. Furthermore, in many recent and current internal armed conflicts, combatants deliberately intimidate, attack and displace local populations to further their pursuit of economic control over natural resources. In such cases combatants rely on, and indeed profit from, civilian displacement.

C. Combatants and armed elements mixed with civilians in camps for refugees and internally displaced persons

14. Despite the promise of temporary refuge, camps do not always guarantee civilians protection. Failure to maintain the purely civilian and humanitarian character of camps means that civilians can find themselves living side by side

³ The Office of the United Nations High Commissioner for Refugees estimates the number of refugees at 13.2 million (The State of the World's Refugees - 1997-1998). The Representative of the Secretary-General for internally displaced persons estimates their number at between 20 and 25 million (E/CN.4/1999/79).

⁴ The rights of internally displaced persons have been outlined in the "Guiding Principles on Internal Displacement", presented to the Commission on Human Rights in 1998 by the Representative of the Secretary-General on internally displaced persons (E/CN.4/1998/53/Add.2, annex).

with combatants or other armed elements. In such circumstances, relief supplies may be diverted to members of warring factions who do not qualify for international protection or assistance. Moreover, warring factions frequently control the movement of refugees, impeding return or other sustainable solutions.

15. The presence of combatants in internally displaced person and refugee camps can destabilize the situation in an entire region. The most striking example was the infiltration of refugee camps in Zaire (now the Democratic Republic of the Congo) and Rwanda following the end of the civil war in 1994 by the Interahamwe and Impuzamugambi militia and remnants of the former Rwandan Army. Such elements also jeopardize the safety and protection of civilians, especially children, who may be forcibly recruited. Camps in States neighbouring the refugees' home country are often too close to the border and become militarized. They therefore become susceptible to cross-border attacks, military incursions and infiltration.

D. Specific problems faced by children

16. The United Nations Children's Fund estimates that two million children have been killed as a direct result of armed conflict in the course of the last decade. Three times that many have been seriously injured or permanently disabled. Even greater numbers die of malnutrition and disease and more than 300,000 children under 18 years of age have been ruthlessly exploited as soldiers in government armed forces or armed opposition groups in ongoing conflicts.⁵ Inevitably, many of the children recruited into the military are deprived of their basic rights, including those to family unity and education. Countless numbers of children experience grave emotional wounds as a result of their experiences and the events they witness.

17. The Machel report on the impact of armed conflict on children (A/51/306 and Add.1) drew attention to aspects of children's protection in armed conflict that require new policy, programme and operational responses. It drew particular attention to the gross violations of children's rights when they, as soldiers, are made to participate in mutilation campaigns, rape, gender-based violence and sexual abuse.

E. Specific problems faced by women

18. Complex emergencies have a different impact on women and men. While men account for the largest numbers of combatants, women and children are disproportionately represented among civilians affected by conflict. This usually leads to dramatic increases in the number of children and women heads of households, leading to abrupt changes in their roles and increases in their workloads. The breakdown of the social fabric and the disintegration of families during times of armed conflict often leave women and girls especially vulnerable to gender-based violence and sexual exploitation, including rape and forced prostitution. Women also constitute the majority of refugees and

⁵ See report of the Special Representative of the Secretary-General for Children and Armed Conflict of 12 October 1998 (A/53/482, paras. 18-22).

internally displaced persons: thus the burdens of displacement described above are disproportionately borne by them. Men on the other hand have been the major victims of summary mass executions in a number of recent wars.

F. Denial of humanitarian assistance and humanitarian access

19. Combatants target civilians in conflict by, among other things, attempting to restrict their access to food and/or other forms of life-saving assistance, or, indeed, deliberately starving them. In 1992 in Somalia, for instance, the parties to the conflict deliberately impeded the delivery of essential food and medical supplies, while during the siege of the enclaves in Bosnia and Herzegovina, civilians were systematically deprived of assistance necessary for their survival.

20. In this year alone, restrictions on the access of humanitarian organizations to those in need have put hundreds of thousands at risk in Angola, Kosovo (Federal Republic of Yugoslavia) and Sierra Leone. In the absence of any international presence, civilians affected by the conflicts in these areas are at the mercy of the warring parties and are dependent on them for the supplies they need.

G. Targeting of humanitarian and peacekeeping personnel

21. Humanitarian and peacekeeping personnel have increasingly become targets of organized violence. The protective emblem of the International Red Cross as well as the Red Crescent, and the United Nations flag, which represent the impartiality of relief workers, appear to offer less protection than ever. Threats against relief workers and peacekeeping personnel further restrict the ability of humanitarian organizations to ensure the delivery of assistance to vulnerable populations.

22. In recent years, United Nations staff and other humanitarian workers have lost their lives in Afghanistan, Angola, Bosnia and Herzegovina, Burundi, El Salvador, Ethiopia, Georgia, Haiti, Iraq, the Russian Federation (Chechnya), Rwanda, Sierra Leone, Somalia, the Sudan, Tajikistan and Uganda, while others have been abducted in Bosnia and Herzegovina, Georgia, Guatemala, Liberia, Peru, the Russian Federation (Chechnya), Somalia, the Sudan and Tajikistan. Death, injury or harassment of humanitarian personnel have become almost daily occurrences.

H. Widespread availability of small arms and continued use of anti-personnel landmines

23. The widespread use of small arms, light weapons and anti-personnel landmines has had a significant impact on the scope and level of the violence that affects civilian populations in armed conflict. The absence of effective controls on the transfer of small arms along with their low cost make them popular weapons in today's conflicts. These light and easy-to-use weapons have made it much easier to turn children into soldiers. Their easy availability to untrained combatants has also greatly increased the risks of delivering humanitarian assistance in affected areas.

24. Millions of unexploded low-cost anti-personnel landmines and other ordnance constitute the deadly legacy of more than two dozen wars. They kill and maim thousands of civilians every year. Landmines also deny the use of land for agriculture, impede the delivery of humanitarian assistance and development aid and disrupt and delay the resettlement and reintegration of returning internally displaced persons and refugees.

I. Humanitarian impact of sanctions

25. Recent experience has shown that sanctions can have a highly negative impact on civilian populations, especially children and women. Sanctions committees established by the Security Council to oversee the implementation of sanctions regimes have recently taken steps to streamline and expedite their procedures for processing humanitarian exemptions. Nonetheless, the collateral effects of such measures continue to give cause for concern in many cases.

26. Regional sanctions and embargoes are of special concern. Often hastily imposed by neighbouring countries without clear guidelines regarding the minimization of their humanitarian impact, regional sanctions have hampered the provision of emergency humanitarian assistance in recent years, particularly in Sierra Leone and Burundi. The impediments to the efficient processing of humanitarian exemptions by regional sanctions authorities have, on several occasions, prevented United Nations humanitarian operations from delivering urgently needed assistance.

III. MAINTAINING PEACE AND SECURITY - THE ROLE OF THE SECURITY COUNCIL IN THE PROTECTION OF CIVILIANS IN SITUATIONS OF ARMED CONFLICT

27. In its presidential statement of 12 February 1999 (S/PRST/1999/6), the Security Council noted that large-scale human suffering is a consequence and sometimes a contributing factor to instability and further conflict. Bearing in mind its primary responsibility for the maintenance of international peace and security, the Council affirmed the need for the international community to assist and protect civilian populations affected by armed conflict. The Council also expressed its willingness to respond, in accordance with the Charter of the United Nations, to situations in which civilians, as such, have been targeted or humanitarian assistance to civilians has been deliberately obstructed.

28. The above statement affirms the intimate connections between systematic and widespread violations of the rights of civilians and breakdowns in international peace and security.

29. It is now generally recognized that the maintenance of international peace and security requires action by the Security Council at all stages of a conflict or potential conflict. Whenever possible, action must be taken to address the root causes of conflict and to prevent disputes from escalating into violence. Where, for whatever reason, these preventive approaches cannot be effectively implemented or have failed, the main thrust of policy must be to minimize the consequences of the violence for civilian populations and to seek to bring hostilities to a close. In the aftermath of war, all efforts must be directed

at peacekeeping and peace-building, including reconciliation amongst groups pulled apart by the conflict, and the administration of justice to those who have violated international humanitarian or human rights law.

30. In a series of resolutions adopted since 1991, the Security Council has reaffirmed its "primary responsibility for the maintenance of international peace and security", as set out in Article 24 of the Charter. The Council also recognizes that massive and systematic breaches of human rights law and international humanitarian law constitute threats to international peace and security and therefore demand its attention and action.

31. In its resolution 688 (1991), of 5 April 1991, on Iraq, the Security Council recognized that the repression of the civilian population led to consequences that threatened peace and security in the region. In resolution 941 (1994), of 23 September 1994 on Bosnia and Herzegovina, the Council recognized that ethnic cleansing constituted a clear violation of international humanitarian law and posed a threat to the peace effort. In resolution 955 (1994), of 8 November 1994, on Rwanda, the Council indicated that genocide and other systematic widespread and flagrant violations of international humanitarian law constituted a threat to international peace and security. In resolution 1203 (1998), of 24 October 1998, on Kosovo, Federal Republic of Yugoslavia, the Security Council affirmed that the situation within the country's borders constituted a continuing threat to peace and security in the region. Finally, and most recently, resolution 1244 (1999), of 10 June 1999, on Kosovo, Federal Republic of Yugoslavia, reaffirmed respect for sovereignty and territorial integrity but also mandated a United Nations mission to restore and maintain security within the territory of the province.

32. The Security Council's increased concern for the plight of civilians in armed conflict has been reinforced by the frequent briefings it has received on the humanitarian situation in countries affected by conflict, and is further illustrated by the establishment by the Council of international ad hoc criminal tribunals for the former Yugoslavia and Rwanda.

33. Prevention, peace-making, peacekeeping and peace-building are mutually reinforcing and must sometimes take place concurrently if the Security Council is to adopt a comprehensive and integrated approach to protecting civilians in armed conflict. In its presidential statement of 12 February 1999 the Council called for a comprehensive and coordinated approach by Member States and international organizations and agencies to address the problem of civilians in situations of armed conflicts. Indeed it was in precisely this context that the Council requested the present report containing concrete recommendations on ways the Council, acting within its sphere of responsibility, could improve the physical and legal protection of civilians in situations of armed conflict.

34. In the section which follows, I have elaborated a number of specific recommendations for the Council to consider. These recommendations have emerged from broad consultations, including, as requested, with the Inter-Agency Standing Committee. They cover action at all stages of a conflict and include a wide range of activities relating to both legal and physical protection. They range from measures to promote adherence to international law, through political

and diplomatic initiatives intended to influence the behaviour of parties to conflicts, to measures of enforcement under Chapter VII of the Charter.

IV. RECOMMENDED MEASURES TO STRENGTHEN LEGAL PROTECTION

35. The protection of civilians in armed conflict would be largely assured if combatants respected the provisions of international humanitarian and human rights law. The recommendations in this section are therefore aimed at identifying ways in which the Security Council can promote full respect for international humanitarian, human rights and refugee law, by States and non-state actors, and particularly by parties to conflicts. The recommendations also include proposals for action by the Council to ensure that violations of these instruments are addressed through appropriate judicial processes.

A. Ratification and implementation of international instruments

36. International instruments are essential tools for the legal protection of civilians in armed conflict and should therefore be a major focus of the Security Council's efforts. These efforts should be focused initially on encouraging Member States to ratify the major instruments, to take steps to ensure their implementation in practice and to heighten awareness and acceptance of these fundamental international norms within national armed forces and police and among all sectors of society. In order to promote a "climate of compliance", Member States should take advantage of the technical services of United Nations bodies and other appropriate organizations, including the International Committee of the Red Cross, to support the incorporation of these international instruments into national law, to develop strong national institutions charged with the dissemination, monitoring and enforcement of these instruments and to establish systematic training programmes for armed forces and police in international humanitarian, human rights and refugee law, including child rights and gender related provisions. In this context, Member States could usefully exchange information about best practices with respect to the implementation of the major instruments of international humanitarian, human rights and refugee law.⁶

⁶ The major instruments in international humanitarian law are the four Geneva Conventions (1949) and the two Additional Protocols (1977), of which the latter covers internal armed conflicts. The major human rights treaties are the International Covenant on Civil and Political Rights (1966), the International Covenant on Economic, Social and Cultural Rights (1966), the Convention on the Prevention and Punishment of the Crime of Genocide (1948), the Convention on the Elimination of All Forms of Discrimination against Women (1979), the Convention on the Rights of the Child (1989), the International Convention on the Elimination of All Forms of Racial Discrimination (1965) and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (1984). The major instruments of refugee law are the Convention on the Status of Refugees (1951) and its Protocol (1967). Other relevant instruments are the Convention on the Prohibition of the Use, Stockpiling, Production and Transfer of Anti-Personnel Mines and on Their Destruction (1997), the Convention on the Safety of United Nations and Associated Personnel (1994), the Statute of the

I recommend that the Security Council:

1. Urge Member States to ratify the major instruments of international humanitarian law, human rights law and refugee law, to withdraw reservations and to take all appropriate legislative, judicial and administrative measures to implement these instruments, including dissemination among all sectors of society, and to report to the Council on action taken in this regard.

2. Call on Member States and non-state actors, as appropriate, to adhere to international humanitarian, human rights and refugee law, particularly the non-derogable rights enumerated in article 4 of the International Covenant on Civil and Political Rights.⁷

B. Accountability for war crimes

37. Widespread and systematic violations of international humanitarian and human rights law have too frequently not been prosecuted by domestic authorities. The Security Council's establishment of the ad hoc tribunals for the former Yugoslavia and Rwanda constituted a major step forward in addressing this failing and in combating the culture of impunity. The adoption of the Statute of the International Criminal Court in 1998 provides for the establishment of a global enforcement mechanism to address impunity, which may also serve as a potential deterrent to future violators. The apprehension and trial of indicted war crimes suspects is an indispensable component in the enforcement of international law and justice.

38. In this context, I also recall the recommendation, which I made to the Security Council in my report on the causes of conflict and the promotion of durable peace and sustainable development in Africa (A/52/871), that combatants be held financially liable for their victims under international law where civilians are made the deliberate target of aggression, and that international legal machinery be developed to facilitate efforts to find, attach and seize the assets of transgressing parties and their leaders.

I recommend that the Security Council:

3. In cases of non-compliance, consider using the enforcement measures contained in the Charter of the United Nations under Chapter VII, to induce compliance with orders and requests of the two existing ad hoc tribunals for the

International Criminal Court (1998), the Convention for the Protection of Cultural Property in the Event of Armed Conflict (1954) and its Protocol (1999), and the Convention on Conventional Weapons (1980) and its four Additional Protocols.

⁷ Article 4 of the International Covenant on Civil and Political Rights declares non-derogable the right against discrimination on grounds of race, colour, sex, language, religion or social origin under international humanitarian law in times of armed conflict. The most frequent violations of non-derogable rights are summary and arbitrary executions, torture, cruel and degrading treatments and slavery (forced labour).

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former Yugoslavia and Rwanda, respectively, for the arrest and surrender of accused persons.

4. Urge Member States to ratify the Statute of the International Criminal Court as a concrete measure aimed at enforcing respect for international humanitarian law and human rights law.¹

5. Pending the establishment of the International Criminal Court, encourage the development of judicial and investigative mechanisms with national and international components, which may be used when the prosecution of those responsible for genocide, crimes against humanity and war crimes in either national or international tribunals appears unlikely given the unwillingness or inability of the parties involved.

6. Urge Member States to adopt national legislation for the prosecution of individuals responsible for genocide, crimes against humanity and war crimes. Member States should initiate prosecution of persons under their authority or on their territory for grave breaches of international humanitarian law on the basis of the principle of universal jurisdiction and report thereon to the Security Council.

C. Gaps in existing international law

1. Internal displacement

39. In 1992, in response to a request by the Commission on Human Rights, the then Secretary-General appointed a Representative on Internally Displaced Persons, whose objective was to examine the protection of internally displaced persons. In the absence of an international legal framework spelling out the rights and the freedoms of internally displaced persons specifically, the Representative compiled the Guiding Principles on Internal Displacement, which are based on existing instruments in international humanitarian and human rights law, and which were presented to the Commission on Human Rights in 1998 (E/CN.4/1998/53/Add.2, annex).

I recommend that the Security Council:

7. In cases of massive internal displacement, encourage States to follow the legal guidance provided in the Guiding Principles on Internal Displacement.

¹ As of June 1999, only three of the 82 signatory States to the Statute of the International Criminal Court have presented their ratification instrument. An additional 57 ratifications are required for the Statute to enter into force.

2. Minimum age of recruitment in the armed forces and other armed groups

40. The internationally accepted minimum age for recruitment and participation in hostilities is currently 15 years.⁹ The Statute of the International Criminal Court (1998) classifies the conscription, enlistment or use of children under the age of 15 as a war crime. The International Labour Organization Worst Forms of Child Labour Convention (1999) prohibits the forced or compulsory recruitment of children under 18 for use in armed conflict, but permits voluntary enlistment as well as recruitment for purposes other than combat. The African Charter on the Rights and Welfare of the Child (1990) prohibits the recruitment or use of children under age 18. None of these three Conventions are in force at present and the efforts of the Commission on Human Rights to introduce and adopt an optional protocol to the Convention on the Rights of the Child, aimed at raising the minimum age for recruitment and participation in hostilities to 18, have yet to succeed.

41. Though national legislation in most Member States codifies 18 as the age of obligatory military service, unfortunately this is seldom observed in time of armed conflict. An additional complication derives from the fact that most child soldiers participating in armed conflict do so within the ranks of non-state armed groups, where the line of command and responsibility is often unclear.

42. In October 1998, I announced a minimum age requirement for United Nations peacekeepers being made available to the United Nations by Member States and asked contributing Governments to send in their national contingent's troops preferably not younger than 21 years of age, and in no case less than 18. In addition, Member States were also requested not to send civilian police and military observers younger than 25 years of age to peacekeeping operations.¹⁰ This decision was taken to ensure that the use of uniformed personnel by the United Nations is an example for police and military forces worldwide.

I recommend that the Security Council:

8. Urge Member States to support the proposal to raise the minimum age for recruitment and participation in hostilities to 18, and accelerate the drafting of an optional protocol on the situation of children in armed conflict to the Convention on the Rights of the Child for consideration by the General Assembly.

⁹ It should be noted, however, that article 38.3 of the Convention on the Rights of the Child states that States Parties shall refrain from recruiting any person who has not attained the age of 15 years into their armed forces. In recruiting among those persons who have attained the age of 15 but who have not attained the age of 18 years, States Parties shall endeavour to give priority to those who are oldest.

¹⁰ See the daily press briefing of the Office of the Spokesman of the Secretary-General of 29 October 1998.

9. Demand that non-state actors involved in conflict not use children below the age of 18 in hostilities, or face the imposition of targeted sanctions if they do not comply.

3. Safety of humanitarian personnel

43. The Convention on the Safety of United Nations and Associated Personnel of 1994, which entered into force on 15 January 1999, covers those United Nations and associated personnel engaged in operations specifically authorized by the Security Council or the General Assembly. I believe that there is an emerging consensus that the scope of the Convention of 1994 should be extended to cover other categories of United Nations and associated personnel not at present covered under the Convention, including locally recruited staff. States should also consider adopting appropriate national legislation on this matter.

I recommend that the Security Council:

10. Urge Member States which have not yet done so to ratify the 1994 Convention on the Safety of United Nations and Associated Personnel, and encourage States which have already ratified to implement it fully.

11. Invite the General Assembly to urgently pursue the development of a protocol to the 1994 Convention, which would extend the scope of legal protection to all United Nations and associated personnel.

V. RECOMMENDED MEASURES TO STRENGTHEN PHYSICAL PROTECTION

44. In addition to the application of legal measures, the Security Council can promote the protection of civilians in conflict both by political and diplomatic measures as well as by peacekeeping or enforcement measures under Chapters VI, VII or VIII of the Charter. The recommendations in this chapter therefore seek to identify ways in which the Council can strengthen the physical protection of civilians through a wide range of measures, which may be introduced at different stages of a conflict.

A. Conflict prevention

45. The primary purpose of the United Nations, as stated in Article 1.1 of the Charter, is "to maintain peace and security by the prevention and removal of threats to the peace". Given that the Security Council is the primary organ responsible for the maintenance of international peace and security, it is vital that it devote greater attention to conflict prevention and give effective leadership and strong backing to efforts in this field. In this context, my July 1997 report on United Nations reform stressed that greater emphasis should be placed on timely and adequate prevention. The United Nations of the twenty-first century must increasingly become a focus of preventive measures.

46. While the causes of conflict are complex and need to be addressed in a comprehensive manner, there are a number of steps which the Council could take, acting within its sphere of responsibility, to identify potential conflict situations much sooner than is now the case and to forestall the outbreak of

hostilities. For example, early warning mechanisms are widely regarded as serving an important role in conflict prevention. Timely and adequate response to early warning will enhance the chances of preventing outbreaks of armed conflict.

47. The United Nations preventive deployment force in the former Yugoslav Republic of Macedonia is a good example of effective early action for conflict prevention. The Council should consider the use of such deployment in other situations. Preventive deployments will be of particular value in situations where the legacy of past conflict has increased the risk of mass violations of human rights. It is also important to bear in mind that while mass killings and atrocities can break out with fearsome rapidity it is usually only after considerable planning and pre-deployment of militia and other forces.

I recommend that the Security Council:

12. Consider deployment in certain cases of a preventive peacekeeping operation, or of another preventive monitoring presence.

13. Increase its use of relevant provisions in the Charter, such as Articles 34 to 36, by investigating disputes at an early stage, inviting Member States to bring disputes to the Security Council's attention, and recommending appropriate procedures for dealing with disputes; and strengthen the relevance of Article 99 of the Charter by taking concrete action in response to threats against peace and security as these are identified by the Secretariat.

14. Establish Security Council working groups relating to certain specific volatile situations to improve the understanding of the causes and implications of conflict, as well to provide a consistent forum in which to consider options to prevent the outbreak of violence in each case.

15. Make use of the human rights information and analysis emanating from independent treaty body experts and mechanisms of the Commission on Human Rights, as well as other reliable sources, as indicators for potential preventive action by the United Nations.

B. Confidence-building

1. Media

48. The role of the mass media in armed conflict needs special attention. The genocide in Rwanda and the crimes against humanity in Bosnia and Herzegovina were triggered in part by nationalistic and ethnocentric hate campaigns propagated through the mass media. Efforts to address the problem of hate media are constrained by concerns relating to national sovereignty and freedom of the press. Yet the obligation to take all possible action to prevent the open incitement to violence against particular groups is self-evident. Accordingly, I shall instruct relevant departments at Headquarters, and my representatives and the resident coordinators in countries affected by this phenomenon, to encourage and support objective broadcasting or other media initiatives, including measures to dispel rumours, counter misinformation and promote the free exchange of information. I have also decided to launch an international

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effort to explore appropriate responses to "hate media" that seek to incite violence against civilians.

I recommend that the Security Council:

16. In situations of ongoing conflict, ensure that, whenever required, appropriate measures are adopted to control or close down hate media assets.

17. Ensure that United Nations missions aimed at peace-making, peacekeeping and peace-building include a mass media component that can disseminate information about international humanitarian law and human rights law, including peace education and children's protection, while also giving objective information about the activities of the United Nations, and encourage authorized regional missions to include such a capacity.

2. Other mechanisms

49. In recent years a number of different types of confidence-building measures have been tried in the immediate post-conflict peace-building phase. These have included, *inter alia*, measures to encourage visits and exchanges between members of different groups previously at war; cultural and sporting events; adjustments to regulations relating to the issuance of official documents such as passports, identification cards and vehicle license plates and conferences and symposia of professional and technical personnel from different regions of the affected country. Some of these activities are also relevant in the early stages of hostilities before conflict becomes entrenched, or as a means of breaking through an impasse during conflict resolution negotiations. I have therefore decided to develop a field manual of good practice, giving details of successful confidence-building measures in peace-building operations, for use in future such operations.

50. In the field of confidence-building the Council may find value in collaboration with non-governmental organizations and other civil society actors, which offer expertise and added value in these fields.

C. Humanitarian access

51. It is the obligation of States to ensure that affected populations have access to the assistance they require for their survival. If a State is unable to fulfil its obligation, the international community has a responsibility to ensure that humanitarian aid is provided. The rapid deployment of humanitarian assistance operations is critical when responding to the needs of civilians affected by armed conflict. Effective and timely humanitarian action requires unhindered access to those in need. Thus, humanitarian organizations are involved on a daily basis in negotiations with the parties to conflicts to obtain and maintain safe access to civilians in need, as well as guarantees of security for humanitarian personnel. In order to fulfil this task, humanitarian actors must be able to maintain a dialogue with relevant non-state actors without thereby lending them any political legitimacy.

I recommend that the Security Council:

18. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties, including non-state actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions.

19. Urge neighbouring Member States to ensure access for humanitarian assistance and call on them to bring any issues that might threaten the right of civilians to assistance to the attention of the Security Council as a matter affecting peace and security.

D. Special measures for children and women

52. In the Council's comprehensive resolution of 25 August 1999 on the item children and armed conflict, the Council noted, inter alia, recent efforts to bring to an end the use of children as child soldiers, in particular International Labour Organization Convention No. 182, which prohibits forced or compulsory labour. The Council also noted the Rome Statute of the International Criminal Court, in which conscripting or enlisting children under the age of 15 or using them to participate actively in hostilities is characterized as a war crime. The Council strongly condemned the targeting of children in situations of armed conflict and called upon all parties to comply strictly with their obligations under the United Nations Convention on the Rights of the Child, and stressed the responsibility of all States to bring an end to impunity. The Council's recognition of the importance of child protection has created a favourable environment for the consideration of new concrete measures in this field.

53. The particular vulnerability of women in modern armed conflict has already been described. Measures to address this vulnerability need to be taken at all stages of the conflict. I would ask the agencies concerned to establish monitoring and reporting systems that include the documentation of violations against women and children in conflict situations.

I recommend that the Security Council:

20. Ensure, as appropriate, that the special protection and assistance requirements of children and women are fully addressed in all peacekeeping and peace-building operations.

21. Systematically require parties to conflicts to make special arrangements to meet the protection and assistance requirements of children and women. These could include the promotion of "days of immunization" or similar initiatives.

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E. Targeted sanctions

54. The continued efforts by Member States to develop more targeted sanctions regimes are welcome. The concept of targeted sanctions,¹¹ including financial sanctions, such as freezing of overseas assets, trade embargoes on arms and luxury goods and travel bans constitutes a potentially valuable means for pressuring targeted elites, while minimizing the negative humanitarian impact on vulnerable civilian populations that has been a characteristic of comprehensive economic sanctions.¹² In collaboration with a number of Member States and civil society organizations, I am committed to continuing a number of ongoing efforts to improve the efficacy of targeted sanctions.

I recommend that the Security Council:

22. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy the resolutions of the Security Council, thereby flouting its authority.

23. Establish a permanent technical review mechanism of United Nations and regional sanctions regimes which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians.¹³

¹¹ Targeted sanctions, also referred to as smart sanctions, include: the freezing of financial assets of regime members or elites who support them; suspension of credits and grant aid; denial and limitation of access to overseas financial markets; trade embargoes on arms and luxury goods; flight bans; political sanctions such as diplomatic isolation and withdrawal of accreditation; denial of overseas travel, visas and educational opportunities to regime members and their families. Targeted sanctions are a less blunt instrument than comprehensive sanctions, thereby minimizing humanitarian costs, the disruption of non-military trade, the likelihood of a black market emerging, additional humanitarian aid requirements and a negative impact on social infrastructures.

¹² I am encouraged that recent resolutions of the Security Council establishing or modifying existing sanctions regimes (e.g. the Sudan, Angola, Sierra Leone), and, most recently, the arms embargo in the case of the Federal Republic of Yugoslavia, have been designed to include measures with little or no humanitarian impact. I also welcome recent efforts of the Council to address the humanitarian aspect of sanctions in Iraq pursuant to Council resolution 986 (1995). Moreover, the members of the Security Council recently agreed on a series of practical proposals to improve the work of the Sanctions Committee in this area, reported in the note by the President of the Security Council of 29 January 1999 (S/1999/92). I look forward to further progress on this matter.

¹³ The most vulnerable groups are defined as children, pregnant or nursing mothers, the elderly and the sick and infirm.

24. Further develop standards and rules to minimize the humanitarian impact of sanctions on the basis of proposals made by the President of the Council to the sanctions committees, and ensure especially that sanctions are not imposed without provision for obligatory, immediate and enforceable humanitarian exemptions.

25. Request regional organizations or groups of countries to submit complete information regarding the establishment of proper humanitarian exemption mechanisms and clearance procedures prior to authorizing the imposition of regional sanctions. The Council may also wish to monitor the ability of regional sanctions authorities to implement the exemptions and clear shipments of humanitarian goods and to establish procedures for exercising its authority to address inadequacies.

F. Small arms and anti-personnel landmines

55. The proliferation and abuse of light weapons and small arms fuel conflicts, exacerbate the suffering of civilian victims and contribute to the breakdown of societies. A number of international and regional initiatives are seeking to address this difficult problem. I fully endorse these initiatives. Controlling the availability of arms is an essential prerequisite for a successful peace-building process. It requires a multi-dimensional approach involving demobilization, rehabilitation of combatants, law enforcement, measures to stop illegal trafficking and regulations for the legal registration and use of arms.

56. Landmines continue to maim and kill thousands of civilians each year. Unexploded ordnance, particularly cluster bombs, also kill and maim civilians long after they are used. Although a large number of States have ratified the Ottawa Convention on landmines, many States have not and some require assistance from the United Nations to meet their treaty obligations.

I recommend that the Security Council:

26. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions.

27. Encourage Member States to give political and financial support and assistance to other States to facilitate compliance with the Ottawa Convention.

G. Peacekeeping

57. In the past, United Nations peacekeeping operations have performed a wide range of tasks related to the protection of civilians, including: discouraging abuses of civilian populations; providing stability and fostering a political process of reconciliation; supporting institution-building efforts, including in such areas as human rights and law enforcement; protecting humanitarian workers and delivering humanitarian assistance; maintaining the security and neutrality of refugee camps, including separation of combatants and non-combatants;

maintaining "safe zones" for the protection of civilian populations; deterring and addressing abuses including through the arrest of war criminals.

58. In the past, difficulties have arisen where it has been foreseen that elements of a peacekeeping mandate would be combined with a coercive or enforcement role, where mandates were insufficiently clear or inadequate resources were assigned to the task. It is therefore important to make a clear distinction between those tasks which can be accomplished with a modest presence, those which require a credible deterrent capacity, and those which require enforcement action.

59. The Security Council's increasing emphasis on the integration of human rights and humanitarian concerns in its actions to promote peace and resolve conflicts is a recognition of the need for a comprehensive approach to peacekeeping, which also helps to strengthen the protection of civilians. In its most recent report, the Special Committee on Peacekeeping Operations noted that the scope of peacekeeping has to be multi-disciplinary in nature, not solely restricted to military tasks, but also include civilian police activities, humanitarian assistance, disarmament and demobilization measures, actions against the proliferation of small arms and light weapons and human rights monitoring.

1. Provision of resources and support

60. As a general rule, the effectiveness of any operation bears a strong relation to its capacity to deploy swiftly the resources necessary to fulfil a given mandate. If an operation arrives in the field without the necessary capacity, this not only limits its practical effectiveness, but also undermines its political viability. A mission that is perceived as strong from the beginning of its deployment is far less likely to be tested than one which is perceived as initially vulnerable or ineffective.

I recommend that the Security Council:

28. Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Stand-by Arrangements System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to quickly deploy a Mission headquarters.

29. Ensure that these units are trained in human rights and international humanitarian law, including child and gender related provisions, civilian-military coordination and communications and negotiation skills.

2. Compliance with international standards in United Nations operations

61. The presence and activities of United Nations peacekeepers in volatile areas throughout the world have contributed significantly to the protection of civilians in armed conflict. Countless young men and women have done so selflessly, some having given their lives. In order to protect civilians in armed conflict, as well as to protect the legitimacy and respect of peacekeeping

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operations and their personnel, we need to address those cases in which peacekeepers are involved in unacceptable behaviour, including abuses of the civilian population. I have made available to troop-contributors a number of texts on human rights obligations and codes of conduct. It is important that national training programmes give appropriate emphasis to these obligations. I have also recently promulgated a Secretary-General's bulletin on the observance of international humanitarian law by members of United Nations forces, instructing them on the basic principles and rules governing means and methods of warfare and the protection of civilians and other protected persons. I shall count on the Security Council to lend appropriate support to my future requests to include ombudspersons and, where appropriate, investigatory capacities in United Nations peacekeeping operations.

I recommend that the Security Council:

30. Underscore the importance of compliance with international humanitarian and human rights law in the conduct of all peacekeeping operations by urging that Member States disseminate instructions among their personnel serving in United Nations peacekeeping operations and among those participating in authorized operations conducted under national or regional command and control.

31. Support a public "ombudsman" with all peacekeeping operations to deal with complaints from the general public about the behaviour of United Nations peacekeepers and establish an ad hoc fact-finding commission, as necessary, to examine reports on alleged breaches of international humanitarian and human rights law committed by members of United Nations forces.

32. Request the deploying Member States to report to the United Nations Secretariat on measures taken to prosecute members of their armed forces who have violated international humanitarian and human rights law while in service of the United Nations.

33. Where appropriate, establish a peacekeeping presence early in the movement of refugees and displaced persons, in order to ensure that they are able to settle in camps free from the threat of harassment or infiltration by armed elements.

3. Cooperation with other actors

62. The United Nations welcomes the possibility of collaboration with regional and sub-regional efforts whenever this will assist in conflict prevention, management or resolution. At the same time, certain limitations and concerns are evident. In many cases, regional organizations will face planning, structural or financial limitations that are graver than those facing the United Nations. This could lead to unequal response to conflict in different places. There is also concern that, where action is authorized without United Nations oversight, inappropriate actions could be taken in the name of the Organization.

63. In the context of its follow-up to the report on the causes of conflict and the promotion of durable peace and sustainable development in Africa, the Security Council recognized the potential for regional organizations to contribute and called for renewed efforts to enhance their capacity. At the

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same time, the Security Council identified a number of measures which could help address some of the concerns noted above (S/PRST/1998/35). The Security Council stressed the need for regional operations to ensure that their personnel respect and observe international law, including humanitarian, human rights and refugee law. In this context, the Security Council underlined its support for the inclusion of civilian elements, for instance in dealing with political and human rights issues; and recognized the importance of the contribution that can be made by co-deployment of a United Nations peacekeeping force.

I recommend that the Security Council:

34. Confirm that regional organizations have the capacity to carry out an operation according to international norms and standards before authorizing their deployment, and put in place mechanisms whereby the Council can effectively monitor such operations.

H. Separation of combatants and armed elements from civilians in camps

64. When the national law enforcement system of a host-State is unable to separate combatants or armed elements from civilians in camps designated for internally displaced persons or refugees, it is essential that international efforts are made to restore the humanitarian nature of such camps. This issue was considered by the Council during its debate of the Secretary-General's report on the protection of humanitarian assistance for refugees and others in conflict situations (S/1998/883). As a result of these consultations, a number of possible options have been proposed to the Council, depending on the specific circumstances in each situation. The modalities for the implementation of the following recommendations will require further consultations between the Department of Peacekeeping Operations, the Office of the United Nations High Commissioner for Refugees and troop-contributing countries.

I recommend that the Security Council:

35. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected. If such elements are found and national forces are unable or unwilling to intervene, consider the range of options I have outlined in S/1998/883. This could involve deploying regional or international military forces that are prepared to take effective measures to protect civilians. Such measures could include compelling disarmament of the combatants or armed elements.

36. Mobilize international support for national security forces, from logistical and operational assistance to technical advice, training and supervision where necessary.

37. Mobilize international support for the relocation of camps too close to the border with refugees' countries of origin, to a safe distance away from the border.

I. Disarmament and demobilization

65. The abundance of armaments available to conflicting parties, especially small arms and light weapons, is a major contributing factor to the number and intensity of armed conflicts around the globe, as well as to violations of signed peace settlements. The disarming and demobilizing of combatants must be a top priority in any United Nations peacekeeping/peace-building operation. I refer to the Security Council presidential statement of 8 July 1999 for valuable guidelines (S/PRST/1998/21).

I recommend that the Security Council:

38. Ensure that peace agreements and the mandates of all United Nations peacekeeping missions include, where appropriate, specific measures for disarmament, demobilization and destruction of unnecessary arms and ammunition, and that early and adequate resources are made available. In this regard, particular attention should be given to demobilization and reintegration of child soldiers.

J. Humanitarian zones, security zones and safe corridors

66. Humanitarian zones, security zones and safe corridors address the issue of protection through the designation of specific areas or routes, which are either neutralized by an arrangement involving consent between the parties (humanitarian zones) or secured by force (security zones). Recent experiences, particularly in Bosnia and Herzegovina, demonstrate the need for greater understanding of the humanitarian, security and political implications of the establishment of zones aimed at protecting civilians.

I recommend that the Security Council:

39. Establish, as a measure of last resort, temporary security zones and safe corridors for the protection of civilians and the delivery of assistance in situations characterized by the threat of genocide, crimes against humanity and war crimes against the civilian population, subject to a clear understanding that such arrangements require the availability, prior to their establishment, of sufficient and credible force to guarantee the safety of civilian populations making use of them, and ensure the demilitarization of these zones and the availability of a safe-exit option.

K. Intervention in cases of systematic and widespread violations of international law

67. Protection mechanisms rely first and foremost on the willingness of State and non-state actors to comply with applicable international law. In situations where the parties to the conflict commit systematic and widespread breaches of international humanitarian and human rights law, causing threats of genocide, crimes against humanity and war crimes, the Security Council should be prepared to intervene under Chapter VII of the Charter. The use of coercive action should be seen as a mechanism of last resort to protect the civilian population from immediate threats to their lives and to ensure the safe passage of humanitarian convoys.

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I recommend that the Security Council:

40. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias toward one region or another, the Council should consider the following factors:

(a) The scope of the breaches of human rights and international humanitarian law including the numbers of people affected and the nature of the violations;

(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;

(c) The exhaustion of peaceful or consent-based efforts to address the situation;

(d) The ability of the Security Council to monitor actions that are undertaken;

(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment.

VI. OBSERVATIONS

68. In the present report I have painted a stark picture of the realities faced by civilians in armed conflict and the challenges these situations present to the international community. I have recommended clear action on the part of the Security Council to compel parties to conflict to respect the rights guaranteed to civilians by international law and convention. The plight of civilians is no longer something which can be neglected, or made secondary because it complicates political negotiations or interests. It is fundamental to the central mandate of the Organization. The responsibility for the protection of civilians cannot be transferred to others. The United Nations is the only international organization with the reach and authority to end these practices. I urge the Security Council to commit itself to this task.

69. I have been pleased to observe that the process of United Nations reform over the past two years has led to general recognition of the need for a comprehensive and integrated approach to handling crises, bringing together political, humanitarian, development and human rights actors within an agreed framework for action. In these efforts, it is clearly the Security Council which must play the leading role. We look to the Council to chart the overall approach to the resolution of crises and encourage the closest cooperation and coordination between all components of the United Nations system, regional forces, bilateral actors, Governments and non-state actors in the affected countries, as well as civil society, including international non-governmental organizations and the private sector. I welcome the increased interest of the

Council in humanitarian aspects of conflicts and look forward to even closer cooperation in the future.

70. In this report I have provided concrete recommendations to the Council covering a very wide range of initiatives. It is my belief that each of them can contribute to the protection of civilians in some or all situations. However, I wish to draw particular attention to nine proposals which I believe to be of particular importance. First are two recommendations intended to permanently strengthen the capacity of the Council and the Organization to protect civilians in armed conflict. These are:

1. Take steps to strengthen the Organization's capacity to plan and deploy rapidly. This includes enhancing the participation in the United Nations Stand-by Arrangements System, including by increasing the numbers of civilian police and specialized civil administration and humanitarian personnel. Rapidly deployable units of military and police are also required. Also essential is the capacity to quickly deploy a Mission headquarters. (Recommendation 28)

2. Establish a permanent technical review mechanism of United Nations and regional sanctions which can use information provided by Council members, relevant financial institutions, the Secretariat, agencies and other humanitarian actors to ascertain the probable impact of sanctions on civilians. (Recommendation 23)

71. Second are four recommendations which could be employed by the Council upon receipt of information indicating that the outbreak of violence aimed at civilians may be imminent. These are:

3. Impose arms embargoes in situations where civilians and protected persons are targeted by the parties to the conflict, or where the parties are known to commit systematic and widespread violations of international humanitarian and human rights law, including the recruitment of child soldiers; and urge Member States to enforce these embargoes in their own national jurisdictions. (Recommendation 26)

4. Consider deployment in certain cases of a preventive peacekeeping operation, or of another preventive monitoring presence. (Recommendation 12)

5. Make greater use of targeted sanctions to deter and contain those who commit egregious violations of international humanitarian and human rights law, as well as those parties to conflicts which continually defy the resolutions of the Council, thereby flouting its authority. (Recommendation 22)

6. Deploy international military observers to monitor the situation in camps for internally displaced persons and refugees when the presence of arms, combatants and armed elements is suspected; and if such elements are found and national forces are unable or unwilling to intervene, deploy regional or international military forces that are prepared to take effective measures to compel disarmament of the combatants or armed elements. (Recommendation 35)

72. Finally, I put forward three recommendations intended to alleviate the suffering of civilians in situations where conflict has already broken out and where civilians are being targeted. These are:

7. Underscore in its resolutions, at the onset of a conflict, the imperative for civilian populations to have unimpeded access to humanitarian assistance and for concerned parties including non-state actors, to cooperate fully with the United Nations humanitarian coordinator in providing such access, as well as to guarantee the security of humanitarian organizations, in accordance with the principles of humanity, neutrality and impartiality, and insist that failure to comply will result in the imposition of targeted sanctions. (Recommendation 18)

8. Ensure that, whenever required, peacekeeping and peace enforcement operations are authorized and equipped to control or close down hate media assets. (Recommendation 16)

9. In the face of massive and ongoing abuses, consider the imposition of appropriate enforcement action. Before acting in such cases, either with a United Nations, regional or multinational arrangement, and in order to reinforce political support for such efforts, enhance confidence in their legitimacy and deter perceptions of selectivity or bias toward one region or another, the Council should consider the following factors:

(a) The scope of the breaches of human rights and international humanitarian law, including the numbers of people affected and the nature of the violations;

(b) The inability of local authorities to uphold legal order, or identification of a pattern of complicity by local authorities;

(c) The exhaustion of peaceful or consent-based efforts to address the situation;

(d) The ability of the Security Council to monitor actions that are undertaken;

(e) The limited and proportionate use of force, with attention to repercussions upon civilian populations and the environment.
(Recommendation 40)

73. Despite the precedence of law, norms and principles, physical security often needs to be assured before legal protection. The Council must act rapidly to make this principle a reality. I welcome the Council's call for this report. I sincerely hope that the Council will give its full attention to consideration of all the recommendations in it. It will be important to establish an agreed mechanism and timetable for follow-up and review. I stand ready to report regularly to the Council on progress achieved.
